

IN RE: PETITION FOR SPECIAL HEARING BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY
Case No. 88-453-SPH
William Kent Lawrence
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve the nonconforming use of the subject property as a two-apartment dwelling, in accordance with Petitioner's Exhibit 1.

The Petitioner appeared, testified, and was represented by Counsel, Dawn Oxley Musgrave, Esquire. Also appearing on behalf of the Petitioner were: Audrey Burke, Janet L. Onion, Patricia S. Nunn, W. E. Cadell, H. E. Lacey, and Richard J. Hunt. Mr. & Mrs. Charles Martin appeared as Protestants.

Testimony indicated that the subject property, known as 124 Smithwood Avenue, is zoned D.R. 3.5 and is improved with a one and one-half story brick and shingle dwelling divided into two apartments. Mr. Lawrence testified that he purchased the subject property in September 1973 and has since used the property continuously and without interruption as a two-apartment dwelling.

Mrs. Audrey Burke testified that she has resided at the adjoining property, known as 126 Smithwood Avenue, since 1928. She testified that her uncle built the residence at 124 Smithwood Avenue in 1923 and that he resided there until about 1940/41. Mrs. Burke testified that she specifically remembers that said property was used as a two-apartment dwelling as early as 1944. She remembers that at that time, the downstairs resident, Mrs. Ingram, took her to pick up her sister at school when her grandfather died. Since that time, to the best of her knowledge and belief, the subject property has been used continuously and without interruption as a two-apartment dwelling, except during brief periods

when there was a change in tenants.

Mr. Lacey testified that he is familiar with the property and that he lived there from 1923 to 1951. He further testified that the property was converted to a two-apartment dwelling before he went into the service in 1941. He testified that when he came back from the service he resided in the second floor apartment for a period of time.

In further support of their Petition, the Petitioner introduced as Petitioner's Exhibit 2 the affidavit of Isabelle M. Ingram wherein she states that she lived in the first floor apartment from April 1941 to May 1944.

Following the testimony of the supporting witnesses, the Protestants agreed that the Petitioner had met his burden of establishing a valid nonconforming use of the subject property as a two-apartment dwelling.

The Petitioner seeks relief from Sections 104.1 and 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.).

After due consideration of the testimony and evidence presented, it is clear that a nonconforming use of the subject property as a two-apartment dwelling exists.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 7th day of June, 1988 that the Petition for Special Hearing to approve the nonconforming use of the subject property as a two-apartment dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, from and after the date of this Order.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
of Baltimore County

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st
Posted for: Special Hearing
Petitioner: William Kent Lawrence
Location of property: W/S of Smithwood Ave. 59.8' S of Edmondson Ave.
Location of sign: 124 Smithwood Ave.
Remarks: 19.88
Posted by: [Signature]
Number of Signs: 1

"DUPLICATE"
CERTIFICATE OF PUBLICATION

TOWSON, MD., April 28, 19.88
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on April 28, 19.88

THE JEFFERSONIAN.

Sharon Landin Christ
Publisher

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed petition for special hearing for a two-apartment dwelling, located at 124 Smithwood Avenue, in the 11th Election District, 5th Councilmanic District, Petitioner: William Kent Lawrence.
Hearing Date: Tuesday, May 17, 1988 at 9:00 a.m.
Special Hearing: The continued use of 124 Smithwood Avenue as a two-apartment dwelling.
It is the intent that the Petition is granted a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing or set above or presented at the hearing.

4321 Apr. 28

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

Date: 5/3/88

Mr. William Kent Lawrence
101 Arbutus Avenue
Baltimore, Maryland 21228

Re: Petition for Special Hearing
Case Numbers: 88-453-SPH
W/S Smithwood Avenue, 59.8' S of Edmondson Avenue
(124 Smithwood Avenue)
11th Election District - 5th Councilmanic District
Petitioner(s): William Kent Lawrence
HEARING SCHEDULED: TUESDAY, MAY 17, 1988 at 9:00 a.m.

Dear Mr. Lawrence:

Please be advised that \$100.00 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 52451
DATE: 5/3/88 ACCOUNT: 71000
AMOUNT: \$ 710.00
RECEIVED FROM: William Kent Lawrence
FOR: [Signature]
VALIDATION OR SIGNATURE OF CASHIER
File

and post set(s), there for each set not ours.

Haines
Zoning Commissioner of Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

March 18, 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing
Case Numbers: 88-453-SPH
W/S Smithwood Avenue, 59.8' S of Edmondson Avenue
(124 Smithwood Avenue)
11th Election District - 5th Councilmanic District
Petitioner(s): William Kent Lawrence
HEARING SCHEDULED: TUESDAY, MAY 17, 1988 at 9:00 a.m.

Special Hearings: the continued use of 124 Smithwood Avenue as a two-apartment dwelling.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County

cc: Dawn Oxley Musgrave, Esq.
William Kent Lawrence
File

PETITION FOR SPECIAL HEARING
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 88-453-SPH

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the continued use of 124 Smithwood Avenue as a two-apartment dwelling.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Legal Owner(s):
Type or Print Name: William Kent Lawrence
Signature: [Signature]
Address: [Address]
City and State: [City and State]
Atorney for Petitioner: Dawn Oxley Musgrave
Type or Print Name: Dawn Oxley Musgrave
Signature: [Signature]
Address: 101 Arbutus Ave.
City and State: Baltimore, Maryland 21228
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: Dawn Oxley Musgrave (attorney)
Baltimore, MD 21228-44675
Atorney's Telephone No.: (301) 744-8675
Baltimore, MD 21228-44675

ORDERED By The Zoning Commissioner of Baltimore County, this 2nd day of June, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 17th day of May, 1988, at 9 o'clock a.m.

J. Robert Haines
Zoning Commissioner of Baltimore County.

DESCRIPTION OF 124 SMITHWOOD AVENUE

Beginning from the same on the center line of Smithwood Avenue (sometimes called Smithwood Avenue as now laid out 25 feet wide and to be forever kept open for common use) at a distance of 59.8 feet Southeasterly from the corner formed by the intersection of the Southernmost side of Edmondson Avenue with the center line of Smithwood Avenue and running thence Southeasterly along the center line of Smithwood Avenue 63.4 feet to the Northeasternmost corner of the lot of ground conveyed by Anthony A. Bugler et al. to Leonard W. Porter by deed dated 3/17/13 and recorded among the land records of Baltimore County in Liber WPC 409 folio 115 and running thence Southeasterly binding on the Northernmost side of said lot of ground 139 feet to the beginning of the fourth line of the tract of land conveyed to Leonard W. Porter by deed dated 12/15/22 and recorded among the land records of Baltimore County in Liber WPC 566 folio 332 and running thence North 30 degrees 30 minutes West 63.5 feet to a stake; thence North-easterly and parallel with said second line of this description 142.7 feet to the center line of Smithwood Avenue and the place of beginning. The improvements thereon being known as no. 124 Smithwood Avenue.

Together with the right to use the strip of ground 5 feet wide extending from the Northwest corner of the lot of ground conveyed by deed dated 6/17/60 by Vera M. Hoshall to Raymond F. Bahr and wife recorded in the Land Records of Baltimore County Liber 3715 folio 144 and running along the fourth line of tract conveyed by Anthony Bugler to Leonard W. Porter by deed recorded among the land records of Baltimore County in Liber WPC 566 folio 332, to Edmondson Avenue said five foot strip to be used exclusively for laying, constructing, altering repairing, renewing pipes or drains for sewerage for improvements erected or to be erected on land herewith the right to Harold F. Lacey and Helen Lacey, his wife, their heirs and assigns, to enter upon said strip for the purposes herein set forth.

